

REMARKS

In the Final Rejection, Claims 2 and 10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Specifically, the Final rejection contends that terms, such as CP-564959, ZD-2171 and CI-202, recited therein are laboratory designations and applicants should replace them by chemical names or structures.

In response, applicants have cancelled Claims 2 and 10 without prejudice. Therefore, applicants submit that the instant rejection has been obviated.

Furthermore, applicants have incorporated the subject matter recited in Claim 2 and Claim 10 into Claim 1 and 9 respectively. In this regard, applicants have deleted terms, for example, CP-564959, ZD-2171, CI-202 and ZD 1839 in Claims 1 and 9 without prejudice. Moreover, applicants have deleted the term “ZD 1839” from Claims 3, 8, 11, 15, 25, and 27 without prejudice. Applicants have also amended claims in the file to conform with the correct claim format under the present U.S. Patent Law. Since the above-described amendment to claims does not introduce new matter, entry thereof is respectfully requested.

Furthermore, Claims 1-3, 5-11, 13-15 and 24-34 stand rejected under 35 U.S.C. §103(a) as obvious over Cozzi et al.(WO 98/04525) in view of Sironak et al. (Clinical Cancer Research: 2000, 6(12); 4885-4892) and further in view of Grimley et al. (US 6,274,576).

In response, applicants respectfully submit that the amended claims are not obvious over the cited references.

Specifically, applicants submit that that the deficiency of Cozzi et. al is that it fails to teach a pharmaceutical composition comprising a compound of formula (I) and a protein kinase inhibitor as presently claimed where such composition has a synergistic effect. Such deficiency would not be overcome by Sironak et al. because none of the protein kinase inhibitors

as presently claimed are disclosed in Sironak et al. In addition, the tertiary reference, Grimley et al., would not overcome the same deficiency. Therefore, applicants respectfully submit that the three cited references, either alone or combined together, would not arrive to the present invention, and thereby Claims 1-3, 5-11, 13-15 and 24-30 are not rendered obvious by the cited references. As such, reconsideration and withdrawal of the instant rejection is respectfully requested.

Furthermore, Claims 1-3, 5-11, 13-15 and 24-30 stand rejected on the ground of nonstatutory obviousness-type double patenting as allegedly unpatentable over claims 1-10 of U.S. Patent No. 6,482,920 ('920) in view of Sironak et al.

Applicants observe that the '920 patent is derived from Cozzi et al. which is discussed above. Therefore, applicants submit that the above remarks concerning the 103(a) obviousness rejection over Claim 1-3, 5-11, 13-15 and 24-30 in view of Cozzi et al. and Sironak et al. apply equally well to this rejection, and therefore are incorporated herein. As such, applicants submit that Claims 1-3, 5-11, 13-15 and 24-30 are not obvious over the cited references and reconsideration and withdrawal of the instant rejection is respectfully requested.

In view of foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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